HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

and

HON'BLE SHRI JUSTICE G.BHAVANI PRASAD

W.P.NO.7773 OF 2006

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Between:

The Palamuru Cheruvula Parirakshana Samithi

Rep by its Joint Secretary Venkata Rao Namaji

..... Petitioner

AND

The Government of A.P. rep by its Principal

Secretary (Revenue Department)

Secretariat Building,

Secretariat, Hyderabad and 3 others.

.....Respondents

::JUDGMENT::

Counsel for the Petitioner : K.S.Murthy

Counsel for Respondent Nos.1 to 3 : Government Pleader for Revenue

Counsel for Respondent Nos.4 : Sri P.Radha Krishana

Dated 20/4/2006

Per Sri G.S.Singhvi, CJ

This is a petition by the Palamuru Cheruvula Parirakshana Samithi, Mahabubnagar for issue of a direction to the respondents to remove the encroachments in tank bed area of Peddacheruvu of Mahabubnagar village, Mahabubnagar Mandal, Mahabubnagar District and also restore the tank and nallas through which water flows into the tanks.

We have heard learned counsel for the petitioner and perused the record. In an earlier petition filed by the petitioner for similar relief, which was registered as Writ Petition No. 23915 of 2001, this Court, after taking cognizance of the statement made by learned counsel for the respondents passed order dated 14-2-2005, the relevant portions of which are extracted below:

> "Learned counsel for the respondents has brought to our notice a communication from the Collector, Mahabubnagar District stating that the tank bund land in Sy.No.67 of Peddacheruvu, Mahabubnagar is neither allotted or assigned to Sports Authority of India and that a sports stadium was already constructed in Sy.No.50 and 60 of Mahabubnagar town and the said land is nothing to do with the land in Sy.No.67 of Peddacheruvu. It is also stated that no part of the land in Sy.No.67 is encroached upon. There is no denial to the fact that the land in Sy.No.67 deserves to be protected for the benefit of the public as the same s the main source of water in Mahabubnagar.
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> In view of this, we dispose of the writ petition on the assurance of the respondents that no part of the land in Sy.No.67 of Mahabubnagar will be used or utilized for any purpose other than water tank purposes and will be retained as Peddacheruvu tank. We also make an observation that in case any permission is required by organizations like petitioner for desilting the said area, such requests will be considered in accordance with law."

Since the assurance given by the respondents for maintaining the status of the water tank existing in Sy.No.67 of Mahabubnagar had been made as part of the Court's order, this petition filed for similar relief cannot be entertained. The remedy, if any, available to the petitioner in the matter of violation of the assurance given to the Court, to file petition under the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

With the above observation, the writ petition is disposed of.

G.S.SINGHVI, CJ.

April 20, 2006

G.BHAVANI PRASAD, J

MSV/GRR